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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,137	03/28/2000	Daniel A. Benton	FA0881 US Na	5926

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2171

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/536,137

Applicant(s)

BENTON ET AL.

Examiner

Cam-Linh T. Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carey et al (U.S. 5,389,149) in view of David C. Wong (U.S. 5,432,904).

♦ As per claim 11, 13, 1, 3, 5, 7,

- Carey discloses a paint system that requires user or technician to enter “a vehicle number and a paint code number” into the system (See Col. 3 line 6 – 9 of Carey).
- Carey also teaches about “searching a database of refinish colorcoat” See Col. 3 line 11 – 14 of Carey. It is well known to define a “memory” of Carey as a “computer-readable data file”, and can act as a database.
- And “identifying the refinish colorcoat” See Col. 3 line 14 – 17 of Carey.
- It is well known in the art to define a “vehicle number” is a “vehicle identification number. Carey does not clearly teach about the vehicle identification number. However, David C. Wong (U.S. 5,432,904) discloses a auto repair system that comprises “a display monitor” (Col. 3 line 9 – 12 of Wong), the input data is the vehicle identification number which includes the “model year, site of manufacture, date” (See Col. 5 line 55 – 62 of Wong). It would have been obvious to one with

Art Unit: 2171

ordinary skill in the art at the time the invention was made to apply the teaching of Wong into the system of Carey, because the vehicle identification number is a unique number that include such information about the vehicle. Therefore, this information is associated with the paint code to produce an accuracy colorcoat for the vehicle.

♦ As per claim 12, 2, 4, 9 – 10,

- "A computer acting under a program" See Col. 3 line 6 – 14.

♦ As per claim 6, 8,

- Carey teaches that if the paint code is found, the next step is to energize the pump to prepare for the action (Col. 3 line 14 – 24 of Carey). This is corresponding to the step of "preparing an actual refinish colorcoat".

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1- 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arie Boers (U.S. 6,234,218) discloses a semi-automated automotive paint dispensing system.
- Robert Lowery (U.S. 6,400,906) discloses an adaptive paint matching system and method.

Art Unit: 2171

- Martens et al (U.S. 6,411,887) discloses a method and apparatus for remotely controlling motor vehicles.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen  
Art Unit 2171

LN

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER